IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No. 19094 OF 1998

Date:07.07.2006

BETWEEN:

P. Lakshmu Reddy

…. PETITIONER

And

1. Government of Andhra Pradesh, rep. By its Secretary to Government, Irrigation Department, Secretariat, Hyderabad and others.

…. RESPONDENTS

ORDER:

This writ petition is filed seeking a Writ of Certiorari by calling for the records relating to the proceedings of Letter No.EE/TGP/DB/D2/P.43/413.M dated 23.06.1998 issued by the fourth respondent and to quash the same and for a consequential direction to the respondents to forbear from taking action in pursuance of the impugned order of the fourth respondent till the disposal of the representation.

The case of the petitioner is that he is a special class contractor registered with the Irrigation Department. He was one of the tenderers in respect of the work pertaining to formation of Velugodu Balancing reservoir earthwork dam from KM 9.264 to KM 10.600 including right side high-level sluice. The petitioner submitted his tender quoting at 2.026% excess over the 1990-91 SSR rates, and the same being lowest, it was accepted by the Commissionerate of Tenders. An agreement was entered into on 9.5.1991. Under the said agreement the work has to be completed within eighteen months, which expired on 8.11.1992. After the agreement was entered into, the petitioner has commenced the work in the month of September 1991 with all the required plant, machinery and equipment. Despite the petitioner's best efforts, the work could not be completed as per the schedule because the fourth respondent did not hand over the quarry for stones required for revetment. However the petitioner completed all the components of the work except

revetment and he addressed a letter dated 17.10.1992 and requested the fourth respondent to enhance rates based on prevailing market rates for revetment or else delete the revetment work. The Executive Engineer by his letter dated 11.7.1995 issued final notice informing the petitioner to resume the work immediately and show good progress by deploying adequate men and machinery. However, the petitioner reiterated his plea in the subsequent representations dated 23.3.1995 and 17.5.1995. In spite of the same, the fourth respondent issued letter dated 27.4.1998 purportedly under Clause 61 of P.S. to A.P.S.S., calling upon the petitioner to resume the work within 14 days from the date of issue of notice and that failing the same action will be taken against him under the said clause. The petitioner gave a reply dated 4.5.1998 requesting the fourth respondent to take required steps for sanction of extra rates and leads to enable the petitioner to resume the work. However to his utter surprise the fourth respondent issued letter dated 26.5.1998 informing the petitioner about the action taken under Clause 16. Aggrieved by the same, the present writ petition is filed.

At the time of admission of the writ petition on 9.7.1998, this Court granted interim stay of all further proceedings in pursuance of the impugned order, pending further orders.

Now, the learned Government Pleader submits that for the very same relief the petitioner has raised arbitration proceedings and the same are pending as per the counter filed by the respondents. In view of the same, no further orders are necessary in this writ petition.

Recording the same, the Writ Petition is closed. No costs.

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(C.V. Ramulu, J.)

7th July, 2006
Js.